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United States of America

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MARC A. PIZZUTO,  
  
Defendant.

No. CV 15-0611-SVW(JCx)

[CR 07-0740-SVW]

[PROPOSED]

**CLERK'S NOTICE OF**  
**POSTJUDGMENT GARNISHMENT**  
(Employment)

[HON. STEPHEN V. WILSON]

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1 TO MARC A. PIZZUTO:

2 You are hereby notified that the funds held by garnishee  
3 Miller Automotive Group, Inc. are being taken by the United  
4 States of America (the Government), which has a court judgment  
5 in the above-captioned case in the amount of \$206,740.96. As of  
6 May 15, 2015, the balance is \$209,113.75.

7 The Federal Debt Collection Procedures Act requires  
8 the garnishee to file an Answer to the writ of garnishment.  
9 28 U.S.C. § 3205(c)(4). The Answer is required to state whether  
10 the garnishee has custody, control or possession of property  
11 belonging to the judgment debtor, a description of the property  
12 and a statement of its value, a description of any previous  
13 garnishments of the property, and the amount that the garnishee  
14 anticipates owing the judgment debtor in the future.

15 The Act further provides that within 20 days following the  
16 receipt of the answer, either the United States or the judgment  
17 debtor may file a written objection to the answer and a request  
18 a hearing. The objection shall identify the party filing it and  
19 shall state the grounds for the objection to the answer.

20 28 U.S.C. § 3205(c)(5). The court shall conduct a hearing on  
21 the objection to the answer of the garnishee within 10 days  
22 after service of the request, or as soon thereafter as  
23 practicable. Id. Any objection to the answer filed by the  
24 garnishee must be set forth in a pleading and filed by the  
25 judgment debtor or the United States with the Clerk of the  
26 United States District Court.

1 If no objection to the answer of the garnishee is filed,  
2 and no request for a hearing is received by the court, the court  
3 shall promptly enter an order directing the garnishee as to the  
4 disposition of the debtor's nonexempt interest in the garnished  
5 property. If a hearing is timely requested, the order for  
6 disposition of the property shall be entered by the court within  
7 5 days after the hearing, or as soon as practicable. 28 U.S.C.  
8 § 3205(c)(7).

9 In addition, YOU ARE HEREBY NOTIFIED that there are  
10 exemptions under the law which may protect some of the property  
11 from being taken by the Government if you can show that the  
12 exemptions apply. Attached is a summary of the major exemptions  
13 which apply in most situations in the State of California.

14 You have a right to ask the Court to return your property  
15 to you if you think you do not owe the money to the government  
16 that it claims you do, or if you think the property the  
17 Government is taking qualifies under one of the exemptions.

18 You must either mail your request for hearing, or deliver  
19 it in person, to the Clerk of the United States District Court  
20 at 312 North Spring Street, Los Angeles, California 90012. You  
21 must also send a copy of your request to the United States  
22 Attorney, Zoran J. Segina, at Room 7516AA-Federal Building, 300  
23 North Los Angeles Street, Los Angeles, California 90012,  
24 Attention: Financial Litigation Unit, so the Government will  
25 know you want a hearing. If you wish, you may use the attached  
26 form to request the hearing.

1       The hearing will take place within 5 days after the Clerk  
2 receives your request, if you ask for it to take place that  
3 quickly, or as soon after that as possible.

4       At the hearing, you may explain to the judge why you  
5 believe the property the Government has taken is exempt or if  
6 you think you do not owe the money to the United States  
7 Government that it says you do. If you do not request a hearing  
8 within 20 days of receiving this notice, your property may be  
9 sold at public auction with the proceeds applied toward the  
10 money you owe the Government.

11       If you think you live outside the federal judicial district  
12 in which the court is located, you may request, no later than 20  
13 days after you receive this notice, that this proceeding to take  
14 your property be transferred by the court to the federal  
15 judicial district in which you reside. You must make your  
16 request in writing, and either mail it or deliver it in person  
17 to the Clerk of the Court at 312 North Spring Street, Los  
18 Angeles, California 90012. You must also send a copy of your  
19 request to the Government in care of United States Attorney,  
20 Zoran J. Segina, Room 7516AA-Federal Building, 300 North Los  
21 Angeles Street, Los Angeles, California 90012, Attention:  
22 Financial Litigation Unit, so the Government will know you want  
23 the proceeding to be transferred. Be sure to keep a copy of  
24 this notice for your own records. If you have any questions  
25 about your rights or about this procedure, you should contact a  
26 lawyer, an officer of public legal assistance, or the Clerk of  
27  
28

1 the Court. The Clerk is not permitted to give legal advice, but  
2 can refer you to other sources of information.

3 DATED: 6/5/15

4 TERRY NAFISI  
5 CLERK, UNITED STATES DISTRICT COURT

6 *C. Power*  
7 BY: DEPUTY CLERK

